

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: BKY No. 09-46712
Roy J. Yeater, Chapter 7
Debtor.

**NOTICE OF HEARING AND MOTION FOR AN ORDER
AUTHORIZING SALE OF ASSETS FREE AND CLEAR OF LIENS**

To: Parties specified in Local Rule 9013-3.

1. Dwight R. J. Lindquist, the Chapter 7 Trustee for the bankruptcy estate of Roy J. Yeater ("Trustee"), moves the Court for authorization to sell two parcels of real estate free and clear of liens and gives notice of hearing.
2. The Court will hold a hearing on this motion at 10:30 a.m. on September 8, 2010, before the Honorable Nancy C. Dreher, Bankruptcy Judge, Courtroom No. 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415, or as soon thereafter as counsel can be heard.
3. Any response to this motion must be filed and delivered not later than September 3, 2010, which is five days before the hearing date (including Saturdays, Sundays and legal holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rules 2002, 5005 and 6004, and Local Rules 1070-1 and 1073-1. This is a core

proceeding. This case was commenced as a voluntary Chapter 7 proceeding on October 6, 2009.

The case is now pending before this Court.

5. This Motion arises under 11 U.S.C. §363(b) and (f) and Bankruptcy Rule 6004. The Trustee seeks authorization to sell two parcels of nonexempt real property.

6. The Trustee seeks authorization to sell a forty-acre parcel of undeveloped real estate in Floodwood, St. Louis County ("Forty-Acre Parcel") to David P. Sorenson for a purchase price of \$29,500.00, which parcel is legally described as:

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 22, Township 50 North, Range 21, West of the Fourth Principal Meridian, St. Louis County, Minnesota (Property ID No. 515-0010-03550 or "Parcel "B").

7. The tax-assessed value of the Forty-Acre Parcel is \$32,000.00 and its appraised value as of May 3, 2010 was \$37,500.00.

8. The Trustee is unaware of any liens or encumbrances against the Forty-Acre Parcel. The sale will be free and clear of any such interests and the interests of any purported secured creditors in the Forty-Acre Parcel will attach to the sale proceeds with the same dignity and priority as those purportedly held at the commencement of this case.

9. The Trustee seeks authorization to sell a lakefront parcel of real estate at 115888 Prairie Island Drive, on Prairie Lake, Town of Fine Lakes, St. Louis County ("Lakefront Parcel"), to Mark Tollerud for a purchase price of \$50,000.00, which parcel is legally described as:

That part of Lot Two (2), Section Twenty (20), Township Fifty (50), Range Twenty (20), beginning at a point Two Hundred (200) feet due South of a point Four Hundred-Nine (409) feet due West of the Northeast Corner of said lot; thence South approximately Six Hundred (600) feet to the shore of Prairie Lake; thence Easterly along the Lakeshore for a distance of Forty (40) feet; thence North approximately six-hundred (600) feet, thence Westerly Forty (40) feet to the point of beginning (Property ID No. 3555-0010-03294 or "Parcel "C").

10. The tax-assessed value of the Lakefront Parcel is \$63,100 and its appraised value as

of May 3, 2010 was \$55,000.00.

11. Lake State Federal Credit asserts a perfected non-avoidable security interest in the Lakefront Parcel in the approximate amount of \$26,000.00. The sale will be free and clear of any such interests and the interests of any purported secured creditors in the Lakefront Parcel will attach to the sale proceeds with the same dignity and priority as those purportedly held at the commencement of this case.

12. Pursuant to Local Rule 9013-2(c), the Trustee gives notice that, if necessary, he may testify at the hearing regarding the proposed sale.

WHEREFORE, the Trustee moves the Court for an order:

1. Authorizing the sale of the Forty-Acre Parcel to David P. Sorenson or his assigns for \$29,500.00, with the claimed liens of any claimed secured parties attaching to the sale proceeds with the same dignity and priority as those claimed liens held at the commencement of this case; and

2. Authorizing the sale of the Lakefront Parcel to Mark Tollerud or his assigns for \$50,000.00, with the claimed liens of any claimed secured parties attaching to the sale proceeds with the same dignity and priority as those claimed liens held at the commencement of this case.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

Dated: August 17, 2010

/e/ Andrea M. Hauser
By _____
Andrea M. Hauser, #207469
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402
(612) 332-1030
ahauser@losgs.com

Attorneys for Dwight R. J. Lindquist, Trustee

VERIFICATION

I, Dwight R. J. Lindquist, Trustee of the Bankruptcy Estate of Roy J. Yeater, the moving party named in the foregoing Notice of Hearing and Motion for an Order Authorizing Sale of Assets Free and Clear of Liens, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

/e/ Dwight R.J. Lindquist

Dated: August 17, 2010

Dwight R. J. Lindquist, Trustee

426334

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Chapter 7 Case

Roy Yeater,

BKY Case No. 09-46712

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2010, I caused the following documents:

Notice of Hearing and Motion for an Order Authorizing Sale of Assets Free and Clear of Liens and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing document(s) to be mailed by first class mail, postage paid, to the following:

SEE ATTACHED SERVICE LIST

/e/ Jill L. Thorvig

Dated: August 17, 2010

Jill L. Thorvig
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

**ROY J. YEATER
BKY CASE NO.: 09-46712**

SERVICE LIST

ALLIANCEONE RECEIVABLES
4850 STREET RD.
SUITE 300
FEASTERVILLE TRE, PA 19053

BANK OF AMERICA
PO BOX 15026
WILMINGTON, DE 19850-5026

C.U. MORTGAGE SERVICES, INC.
500 MAIN STREET
SAINT PAUL, MN 55112

CREDIT BUREAU OF MAR
302 W REDWOOD
MARSHALL, MN 56258

CU MORTGAGE SERVICES
500 MAIN ST STE 100
NEW BRIGHTON MN 55112

CELINK
3900 CAPITOL CITY BLVD
LANSING, MI 48906

CHASE
PO BOX 15298
WILMINGTON, DE 19850

CHASE BANK USA, N.A.
PO BOX 15145
WILMINGTON, DE 19850-5145

CITY OF NEW HOPE
4401 XYLON AVE N
MINNEAPOLIS, MN 55428

CITY OF ST. PAUL
25 W. FOURTH ST., SUITE 1200
SAINT PAUL, MN 55102

COMCAST
10 RIVER PARK PLAZA
SAINT PAUL, MN 55107

CREDIT PROTECTION ASSOCIATION
BOX 809099
DALLAS, TX 75380

DEPARTMENT OF VETERANS
AFFAIRS
1 VETERANS DR
MINNEAPOLIS, MN 55417

ENDURAFNCL
HONEYWELL PLAZA
MINNEAPOLIS, MN 55408

FOUR SEASONS FAMILY DENTISTRY
DR. BRAU
4205 N. LANCASTER
SUITE 101
MINNEAPOLIS, MN 55441

HSBC/MS
PO BOX 3425
BUFFALO, NY 14240

LAKE STATE FEDERAL CU
301 ELM AVE
MOOSE LAKE, MN 55767

LONG, REHER, AND HANSON
5881 CEDAR LAKE ROAD
MINNEAPOLIS, MN 55416

NORTH STAR COMPANIES
CREDIT BUREAU OF MARSHALL INC
PO BOX 99
MARSHALL MN 56258

NORTH MEMORIAL HOSPITAL
3300 OAKDALE AVE N
MINNEAPOLIS, MN 55422

NORTH STAR COMP
14325 SAMOA STREET
FISHERS, IN 46038

PYOD LLC ITS SUCCESSORS AND
ASSIGNS AS ASSIGNEE OF
CITIBANK
C/O RESURGENT CAPITAL SERVICES
PO BOX 19008
GREENVILLE, SC 29602-

PATTERSON THUENTE SKAAR
4800 IDS BUILDING
80 S. 8TH ST.
MINNEAPOLIS, MN 55402

PETERSON, FRAM & BERGMAN, P.A.
55 EAST FIFTH STREET
SUITE 800
SAINT PAUL, MN 55101-1718

QWEST
PO BOX 17320
DENVER, CO 80217

UNVL/CITI
PO BOX 6241
SIOUX FALLS, SD 57117

DAVID JENSEN
ADOLPHSON REAL ESTATE
4815 W ARROWHEAD RD
HERMANTOWN, MN 55811

MARTIN C. MELANG
PATRICK BURNS & ASSOCIATES
8401 WAYZATA BLVD STE 300
MINNEAPOLIS, MN 55426

ROY YEATER
3616 DECATUR AVE N
NEW HOPE, MN 55427

GREGORY D. YEATER
8411 – 168TH ST. WEST
LAKEVILLE, MN 55044

JOHN M. GASSERT, ESQ.
RUDY, GASSERT, YETKA &
PRITCHETT, P.A.
813 CLOQUET AVE.
CLOQUET, MN 55720-1613

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-46712

Roy J. Yeater,

Chapter 7

Debtor.

**ORDER AUTHORIZING SALE OF ASSETS OF
DEBTOR FREE AND CLEAR OF INTERESTS**

This case is before the court on the motion of Dwight R. J. Lindquist, Trustee, seeking an order authorizing a sale of assets free and clear of interests.

Based on the motion and the file,

IT IS ORDERED:

1. The Trustee is authorized to sell a forty-acre parcel of undeveloped real estate in Floodwood, St. Louis County, Minnesota, to David P. Sorenson for \$29,500.00, which parcel is legally described as:

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 22, Township 50 North, Range 21, West of the Fourth Principal Meridian, St. Louis County, Minnesota (Property ID No. 515-0010-03550 or "Parcel "B")

with the claimed liens of any claimed secured parties attaching to the sale proceeds with the same dignity and priority as those claimed liens held at the commencement of this case:

2. The Trustee is authorized to sell a lakefront parcel of real estate at 115888 Prairie Island Drive, on Prairie Lake, Town of Fine Lakes, St. Louis County, Minnesota, to Mark Tollerud for \$50,000.00, which parcel is legally described as:

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Hundred-Nine (409) feet due West of the Northeast Corner of said lot; thence South approximately Six Hundred (600) feet to the shore of Prairie Lake; thence Easterly along the Lakeshore for a distance of Forty (40) feet; thence North approximately six-hundred (600) feet, thence Westerly Forty (40) feet to the point of beginning (Property ID No. 3555-0010-03294 or "Parcel "C")

with the claimed liens of any claimed secured parties attaching to the sale proceeds with the same dignity and priority as those claimed liens held at the commencement of this case.

3. The property and rights sold shall be free and clear of any interest in such property pursuant to 11 U.S.C. §363(b) and (f), with such interests, if any, attaching to the proceeds of sale with the same priority, dignity and effect as such interests existed pre-petition.

4. The proceeds shall be deposited in the Trustee's account and held subject to further order of the court.

Dated: _____

Nancy C. Dreher
Chief U.S. Bankruptcy Judge

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